



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

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Arnold Schwarzenegger
Governor

January 9, 2009

Eldon Horst
General Manager
Jurupa Community Services District
11201 Harrel Street
Mira Loma, CA 91752

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR PROPOSED ARMORING OF THE SANTA ANA RIVER BANK
AT THE JURUPA COMMUNITY SERVICES DISTRICT REGIONAL PUMP STATION,
COMMUNITY OF MIRA LOMA, RIVERSIDE COUNTY (ACOE REFERENCE NO. 2008
- 00784 - JEM)**

Dear Mr. Horst:

On July 22, 2008, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), submitted on your behalf by Albert A. Webb Associates, for the proposed armoring of the bank of the Santa Ana River adjacent to the Jurupa Community Services District's ("CSD") Regional Pump Station in the Community of Mira Loma in Riverside County¹. On August 1, 2008, your application was denied without prejudice pending payment of fees, submittal of a final environmental document prepared pursuant to the California Environmental Quality Act ("CEQA"), and formalization of mitigation for water quality impacts. All outstanding matters were resolved on November 21, 2008, with the submittal of an electronic message in which off-site compensatory mitigation is proposed.

This letter responds to your request for certification that the proposed project, described in your application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments ("Basin Plan"):

Project Description:	Construction of a launchable windrow revetment, consisting of ¼-ton rip-rap, along the bank of the Santa Ana River at the Jurupa CSD Regional Pump Station. The rip-rap will be placed north of, and partly over, existing rip-rap placed in
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¹ According to Regional Board records, the site of the Regional Pump Station is the former location of Sewage Treatment Plant 1. Although your application for Certification references the site as "Plant 1", for consistency with Regional Board records, it will be referred to as the "Regional Pump Station" in this Certification.

California Environmental Protection Agency



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2005 to reinforce the River's bank. Voids within the rip-rap will be filled with native soil in order to provide a medium for plant growth. The project is located at 10124 Limonite Avenue, upstream of the confluence of the San Sevaine Channel and the Santa Ana River, within Section 27 of Township 2 South, Range 6 West, of the U.S. Geological Survey *Corona North, California*, 7.5-minute topographic quadrangle map (33.974433 degrees N/ -117.502547 degrees W).

Receiving water: Santa Ana River.

Fill area: 0.541 acre of permanent impact to a perennial riparian river (764 linear feet total).

Dredge/Fill volume: N/A

Federal permit: U.S. Army Corps of Engineers Nationwide Permit No. 39.

You have proposed to mitigate water quality impacts as described in your Certification application and subsequent submittals. The proposed mitigation is summarized below:
Onsite Water Quality Standards Mitigation Proposed:

- Void spaces within the rip-rap will be filled with native soil to facilitate re-growth of riparian vegetation.
- Additional site-specific best management practices ("BMPs") will be specified in the site Storm Water Pollution Prevention Plan ("SWPPP").

Offsite Water Quality Standards Mitigation Proposed:

- An in-lieu fee will be paid to the Santa Ana Watershed Association towards the eradication of 0.675 acre of invasive plant species.

Should the proposed project impact state- or federally-listed endangered species or their habitat, implementation of measures identified in consultation with U.S. Fish and Wildlife Service and the California Department of Fish and Game will ensure those impacts are mitigated to an acceptable level. Appropriate Best Management Practices will be implemented to reduce construction-related impacts to Waters of the State. This project is over one acre. Therefore, coverage under the State Water Resources Control Board's General Permit for Storm Water Discharges Associated with Construction Activity, Water Quality Order 99-08 DWQ, is required, as is development of a SWPPP to control the discharge of pollutants from the project site.



Construction de-watering discharges may be regulated under Regional Board Order No. R8-2003-0061, General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality. For more information, please review Order No. R8-2003-0061 at: www.waterboards.ca.gov/santaana/pdf/03-61.pdf.

You have applied for a Nationwide Permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. You have applied for a Streambed Alteration Agreement with the California Department of Fish and Game. Pursuant to the California Environmental Quality Act (CEQA), the Jurupa CSD adopted a Mitigated Negative Declaration on October 14, 2008.

Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), prior to reaching a decision on the project, the Regional Board must consider the environmental effects of the project as shown in the associated negative declaration adopted by Jurupa CSD. The Regional Board has considered Jurupa CSD's Mitigated Negative Declaration in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid or mitigate impacts to water quality to a less than significant level.

This 401 Certification is contingent upon the execution of the following conditions:

1. An in-lieu fee must be paid to the Santa Ana Watershed Association towards the eradication of 0.675 acre of invasive species within and adjacent to waters of the State in the Upper Santa Ana Watershed. The fee payment must include funding for a minimum of 6-years of follow-on maintenance and the completion of functional assessments, using published and generally accepted methods (i.e. California Rapid Assessment Method) for the purpose of evaluating the marginal improvement to the eradication project area. Evidence of the fee payment must be provided to the Executive Officer by March 9, 2009.
2. The discharge of viable propagules of woody invasive plant species to waters of the State, or to land where the material may be discharged to waters of the State, is prohibited.
3. The removal and disposal of any woody invasive plant species, as part of the proposed project, must occur according to published and generally accepted methods.
4. Project activities must not cause the background natural turbidity, as measured in Nephelometric Turbidity Units (NTUs), in the Santa Ana River to be increased by values greater than the following Basin Plan objectives at a distance of 100 feet from the activity:
 - a. If natural turbidity is between 0 and 50 NTU, the maximum increase shall not exceed 20% of the measured natural turbidity.



- b. If natural turbidity is 50 to 100 NTU, the increase shall not exceed 10 NTU.
 - c. If natural turbidity is greater than 100 NTU, the maximum increase shall not exceed 10% of the measured natural turbidity.
5. This Certification and any subsequent amendments must be maintained on site for the duration of work.
6. The applicant must comply with the conditions and provisions of the Corps' Clean Water Act Section 404 permit(s).

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.



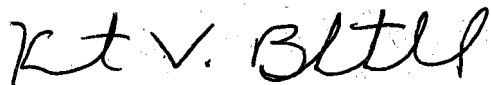
January 9, 2009

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo_2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT
Executive Officer

cc (via electronic mail):

U. S. Army Corps of Engineers, Los Angeles Office – Jim Mace
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ-Water Quality Certification Unit –
Bill Orme
California Department of Fish and Game – Anna Milloy
U.S. EPA, Supervisor of the Wetlands Regulatory Office WTR- 8 – Eric Raffini
and David Smith

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